



## U. S. Environmental Protection Agency E-Clips

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## EDITORIAL/COMMENTARY/OP ED/LETTERS

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### **Mr. Obama and Mr. Hu on Warming (*New York Times*)**

September 23, 2009

Of more than 100 world leaders who gathered Tuesday at the United Nations for a summit meeting on climate change, two mattered most: Barack Obama and China's president, Hu Jintao. Together their countries produce 40 percent of the world's greenhouse gas emissions. Together they can lead the way to an effective global response to this clear global threat. Or together they can mess things up royally.

In less than three months, negotiations will begin in Copenhagen for a new agreement to replace the 1997 Kyoto Protocol. The hope is these talks will produce commitments from each nation that, collectively, would keep temperatures from rising 2 degrees Celsius (or 3.6 degrees Fahrenheit) above preindustrial levels. That will require deep cuts in emissions — as much as 80 percent among industrialized nations — by midcentury.

And there's not a lot of time to waste. As Rajendra Pachauri, the chairman of the Intergovernmental Panel on Climate Change, warned on Tuesday: "Science leaves us no space for inaction."

While Europe and the United States disagree over how quickly developed countries should move, their differences pale in comparison to the historical divide between developed and developing nations, which have argued that the industrialized West should bear most of the burden. For its part, the West has argued that countries like China and India are growing so fast that they can no longer remain on the sidelines, as they did in Kyoto.

Mr. Obama and Mr. Hu did not bridge that gap, but their governments are listening more carefully to one another. China is no longer pretending that it is a backward country whose need for economic growth relieves it of any obligation to control emissions. The United States — the world's largest emitter in historical terms — is acknowledging its responsibility to help the poorest and most vulnerable nations reduce emissions without sacrificing growth.

Still, the two leaders have a considerable distance to go.



For Mr. Hu, this means becoming much more specific about his encouraging pledges. On Tuesday, he promised to reduce the rate of growth in carbon dioxide emissions between now and 2020 by a “notable margin” — at which point, he implied, China would seek to reduce them in absolute terms. This vague formulation is unlikely to pass muster in Copenhagen. An agreement does not have to be one-size-fits-all, but every country should be obliged to make real and verifiable commitments.

Mr. Obama recognizes the urgency of the problem. He will have to work hard to persuade a Democratic-controlled Senate (the House has acted) to see it as well and to pass strong legislation committing the United States to binding cuts in greenhouse gases.

The president made much of the regulatory steps he had taken or planned to take to control emissions, and the investments he had made in cleaner technologies. Legislation, however, remains essential to America’s claim to leadership and to getting an international deal.

For years, China and the United States have engaged in a dangerous Alphonse-and-Gaston routine, using each other’s inaction to shirk their responsibility. Both leaders agreed that it is past time for this dance to end. Though much more will be required to produce a credible, comprehensive agreement, that is progress.

## **U.S., China and climate change (*Los Angeles Times*)**

**At the U.N., Beijing commits to strict greenhouse gas restrictions, while President Obama offers lofty rhetoric and little detail.**

September 23, 2009

Even if the United States is gradually losing its status as the world's economic, diplomatic and military superpower, there is one category in which, as of Tuesday, it has emerged as the undisputed No. 1: We are the most environmentally irresponsible nation on Earth.

For the past few years, we've been sharing the title of world's worst climate change offender with China, whose rapid rise in greenhouse gas emissions and refusal to take strong action to curb them made it as big a villain, in the eyes of the rest of the world, as the U.S. That changed at a United Nations climate summit Tuesday when the presidents of the two countries stood up to present their plans to address the problem.



China's [Hu Jintao announced](#) concrete steps to reduce his nation's carbon footprint, such as getting 15% of its power from non-fossil sources by 2020, planting enough forest to cover an area the size of Norway and limiting the growth of carbon emissions as a percentage of the country's gross domestic product. President Obama, meanwhile, [gave a speech](#) that was as packed with high-flown rhetoric as it was devoid of any new proposals. U.N. climate chief Yvo de Boer no doubt echoed the thoughts of many at the summit [when he said](#) that, as a result of China's dramatic policy shift, it "could well become the front-runner in the fight to address climate change. The big question mark is the U.S."

To be more specific, the big question mark is the U.S. Senate. The House last summer passed a sweeping climate change bill that, if enacted, would leave China in the dust. It would cap carbon emissions at 17% of 2005 levels by 2020. It would also require the nation to get 20% of its power from renewable sources, or from greater energy efficiency, by that year. Yet the bill has stalled in the Senate and, without a lot more effort from Democratic leaders and the Obama administration, is unlikely to come to the floor this year. That will put the U.S. in a woefully weak position in December, when negotiators meet in Copenhagen to hammer out a global climate agreement.

Together, the U.S. and China account for about 40% of the world's greenhouse gas emissions. Beijing's plans to link pollution to economic growth are disappointing, because they will allow emissions in the rapidly developing country to keep rising. But its commitment to specific carbon limits still trumps the U.S., which has yet to set a national renewable energy standard, let alone a carbon-cutting goal. In Washington, climate change is testing a democratic political system that has always had trouble making present sacrifices to ward off future threats. For the sake of our global status and the well-being of our children, we must pass that test.

## **Clean Cars' Real Costs (*Washington Post*)**

Wednesday, September 23, 2009

Why did The Post only cover half the story in its Sept. 19 editorial "[That Clean-Car Smell](#)"?

In praising the federal government's plan to require lower emissions and higher automobile fuel economy, the piece did not mention an important element: How will this be accomplished? If greater fuel efficiency could be achieved without cost, automakers would already have done so in their quest to sell more cars. So why weren't we informed that it will cost more to make the cars that meet the new standards, and that in all likelihood the new vehicles will need to be smaller and lighter?

The editorial quoted the Environmental Protection Agency as saying that an average car-buyer would save more than \$3,000 in fuel costs from 2012 to 2016 under the new standards. But how much more would the vehicle cost up front?

There is no such thing as a free lunch, not even by government edict.

JIM MIXTER

Oakton

*The writer is an oil company marketing manager.*

## AIR

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### Utah lawmakers seek air quality reprieve for Tooele, Box Elder counties (*Salt Lake Tribune*)

Pollution » Anti-pollution activist fires back.

by Thomas Burr

The Salt Lake Tribune

Updated:09/22/2009 06:27:21 PM MDT

**Washington »** Members of Utah's federal delegation are asking the Environmental Protection Agency to delay clamping down on Box Elder and Tooele counties for exceeding air quality standards until agency officials compile more evidence of a problem.

Republican Sens. Bob Bennett and Orrin Hatch, as well as GOP Rep. Rob Bishop, sent a letter to EPA Administrator Lisa Jackson this week asking her to hold off on declaring the two counties as "nonattainment" areas, a designation the three members of Congress say would punish some industries and potentially could force vehicles there to pass emissions tests.

"We believe that you should give additional time to the state to provide EPA with new data from comprehensive air modeling that would better inform its decision," Bennett, Hatch and Bishop wrote. "Including either of these counties within the non-attainment area before this data is available would be premature and arbitrary, and we vehemently oppose it."



State officials had recommended that the EPA consider Salt Lake, Davis, Utah counties and parts of Weber and Cache counties as not meeting a new federal standard, but the EPA also included parts of Box Elder and Tooele county as well as a swath of Franklin County, Idaho.

Bill Reiss, a state air quality planner, said the Utah Division of Air Quality contended that the reason air measures so close to, but not in excess of, new federal standards is that "those areas are the victim" of the other nearby metropolitan areas.

"The EPA," he said, "is contending otherwise."

Bennett says EPA officials need to be on the ground in Tooele and Box Elder counties to see "how blatantly wrong it is to blame them for polluting the Wasatch Front."

"Any such designation [as a nonattainment area] would be completely irresponsible and place unnecessary burdens on Utahns during a time when we already face economic challenges," Bennett said in a statement.

Brian Moench, a physician and president of Utah Physicians for a Healthy Environment, questioned the motives of Utah lawmakers complaining to EPA.

"The congressional representation from Utah ... is dismissing the whole purpose of the EPA's air quality standards, which is to protect public health," Moench said. "If your priority is to protect certain businesses, then maybe that letter makes sense. But if your priority is to protect public health, then it doesn't make any sense at all."

Moench said overall, reducing air pollution saves a community -- in health care and other costs -- up to tenfold the cost to business of cleaning up emissions.

The EPA announced in December that 211 counties or parts of counties in the United States would fall under the nonattainment designation, a move that will require those areas to implement plans to reduce air pollution. In Utah, that could include vehicle emissions tests, industry emission caps, and limits on wood burning stoves.

The Utah Legislature passed and then-Gov. Jon Huntsman Jr. signed a resolution urging that the EPA stick with the state's suggestion to exclude Tooele and Box Elder. But the EPA is moving forward on its timeline that would require the state to come up with a plan by 2012 to reduce emissions and put that plan in place by 2014.

The EPA did not respond to requests for comment left Tuesday with its Washington headquarters and Denver regional office.

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Tighter standards

The EPA toughened its air quality standards two years ago. Previously air was considered too dirty when PM 2.5 (the term for tiny particulates from vehicles, industry and wood burning that make air unhealthy) from 65 micrograms per cubic meter to 35 micrograms per cubic meter for too many days within a three-year period. Cleanup plans are due in 2012 and are to be implemented in 2014.

## **WHO: Nations should set tighter radon controls (Associated Press) This story also appeared: *Washington Post***

By ELIANE ENGELER  
The Associated Press  
Tuesday, September 22, 2009 11:31 AM

GENEVA -- The World Health Organization on Tuesday drastically reduced the amount of radon from natural sources that countries should allow to accumulate in buildings, given the fatal lung cancer it can cause.

Radon is a naturally occurring gas found in mines, caves and water treatment plants. But radon contained in rocks and soil also can enter homes and other buildings through cracks in concrete, floor gaps, small holes in walls and drains.

In 2003, the U.S. Environmental Protection Agency said that radon accumulating in buildings is responsible for an estimated 21,000 deaths from lung cancer in the United States each year.

Two years later, the U.S. surgeon general issued a national health advisory warning about the dangers of indoor radon, an invisible, odorless and tasteless gas. Inexpensive test kits to determine radon levels in homes are commercially available, and U.S. authorities suggest people test their houses for radon levels every two years.

WHO, the U.N. health agency, said Tuesday that studies conducted in Europe, North America and China in 2005 and 2006 showed that the presence of the radioactive gas in homes is more dangerous than previously thought. The agency said radon is a significant cause of 3 percent to 14 percent of worldwide lung cancer cases.

"Radon is the second most important cause of lung cancer after smoking in many countries," said Dr. Maria Neira, a WHO specialist on health and environment. "Most radon-induced lung cancers occur from low and medium dose exposures in people's homes."



Referring to a common measure of radiation, WHO's new handbook recommends countries to set radon limits in homes of 100 becquerel per cubic meter. The agency's previous limit was set in 1996 and allowed for 10 times greater radon exposure.

WHO said there is now far more scientific evidence about the effects of the gas. But WHO expert Ferid Shannoun acknowledged that it had taken experts from around the world quite a long time to recommend the change in WHO radon limits.

The agency's new recommendation is close to the limit for safe homes set by the U.S. Environmental Protection Agency. However, many other countries allow radon levels two to four times higher, according to WHO.

It said easy building improvements can reduce radon levels significantly and protect inhabitants from the gas.

## BUDGET

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### Vitter amendments would limit EPA regulatory power (Greenwire)

*Robin Bravender, Noelle Straub and Ben Geman, E&E reporters*

**09/22/2009**

Sen. David Vitter (R-La.) has introduced two amendments to U.S. EPA's annual spending bill aimed at limiting the agency's authority to regulate carbon dioxide emissions.

The measures are among at least 50 amendments on a wide range of contentious issues being offered to the Interior-EPA spending bill currently on the Senate floor. Majority Leader Harry Reid (D-Nev.) said senators must introduce amendments today because he wants the chamber to wrap up work on the bill quickly and turn to the defense appropriations bill this week. It remains unclear which, if any, of the amendments will be brought to the floor for a vote.

Vitter has filed an **amendment** that would prohibit any funding from the Interior-EPA spending bill from being used to regulate carbon dioxide emissions until both China and India have signed

international agreements that require a percentage of carbon dioxide emission reductions similar to that required in the United States.

The senator filed a separate **amendment** to prohibit EPA from finalizing or implementing the agency's proposed "endangerment finding" until the agency conducts an evaluation of the potential loss or shifts of employment that may result from finalizing the proposed rule. The agency released its draft finding in April, which would establish greenhouse gases as pollutants under the Clean Air Act and pave the way for future regulations (*Greenwire*, April 17).

The Louisiana Republican introduced another **amendment** that would prevent EPA funding from being used to terminate or reduce programs at EPA's National Center for Environmental Economics. The office has become the focal point of a GOP probe questioning the transparency of the Obama administration's efforts to develop carbon dioxide regulations (*E&ENews PM*, Sept. 15).

Vitter's amendments come as EPA plows forward on rules that answer the Supreme Court's 2007 *Massachusetts v. EPA* decision that ordered EPA to reconsider whether greenhouse gases are pollutants subject to regulation under the Clean Air Act, as well as a nationwide standard to control greenhouse gas emissions from automobiles (*Greenwire*, Sept. 10).

Another Vitter **amendment** would require EPA to spend \$1 million in an arrangement with the National Academy of Sciences in which the academy would conduct a study of the cancer and noncancer health effects of formaldehyde.

## Biofuels

Sen. Tom Harkin (D-Iowa) has prepared an **amendment** that would bar EPA from using the bill's funds to consider emissions from "international indirect land-use changes" when implementing the national biofuels mandate.

A 2007 law that expanded the biofuels mandate requires that ethanol and other renewable fuels have, by varying degrees, lower lifecycle greenhouse gas emissions than petroleum-based fuels. The ethanol industry and its allies say EPA's weighing of emissions from indirect land-use changes -- such as forest clearing in other countries for cropland due to increased use of U.S. crops for fuel -- is based on faulty science.

Environmentalists say these emissions must be weighed, or else national biofuels policy could support ventures that worsen greenhouse gas emissions. They argue that there is ample science to show that biofuels production can lead to land-use changes -- such as deforestation -- that release of stored carbon. "The EPA should be allowed to move forward using the best available science without interference from Congress," said Brendan Bell, an analyst with the Union of Concerned Scientists, in a statement.

But Harkin's plan drew cheers from the ethanol trade group Growth Energy, which said EPA's draft rule would penalize domestic biofuels production. "Senator Harkin's legislation is rooted in



logic and fact -- two things that are lacking from the EPA's proposed rule," said Tom Buis, CEO of Growth Energy, in a statement.

## **Offshore drilling, land management**

Vitter also introduced an amendment that would immediately approve a 2010-2015 outer continental shelf oil and gas leasing program proposed in the waning days of the Bush administration, which would greatly expand outer continental shelf development, including opening areas off the Atlantic and Pacific coasts. A similar Vitter amendment would approve the program and also require one lease sale in each of the Atlantic, Pacific and Alaska planning areas and three lease sales in the Gulf of Mexico region within 180 days of the bill being signed into law.

Vitter, Sen. Jim DeMint (D-S.C.) and Sen. John Barrasso (R-Wyo.) also offered an amendment to try to force Interior to implement the Bush-era offshore leasing program by prohibiting money in the spending bill from being used to delay it (*E&E Daily*, Sept. 22).

Vitter also introduced an amendment that would prevent any funds in the appropriations bill from being used to develop regional climate change offices within the Interior Department. Interior Secretary Ken Salazar last week signed a secretarial order to create eight Regional Climate Change Response Centers that would address climate change impacts on Interior resources (*E&ENews PM*, Sept. 14).

Sen. Tom Coburn (R-Okla.) offered a series of amendments aimed at federal land management policies. They would:

- Require that any report submitted by a federal agency to the House or Senate Appropriations panels be posted on the committees' Web sites.
- Cancel \$1 million directed to the Sewall-Belmont House in Washington, D.C., and instead give the money to the National Park Service for its maintenance backlog.
- Prevent money in the bill from being used to impede or restrict activities of the Department of Homeland Security to achieve "operational control" of U.S. international borders.
- Prevent funding for the implementation of any regulation that would delay or restrict the development of renewable energy on public lands and transmission lines necessary for delivering the electricity produced.
- Divert money from the Land and Water Conservation Fund for land acquisition to instead be used by federal agencies to reduce their maintenance backlogs.
- Require the president within 120 days of submitting the 2011 budget request to submit a report describing the annual cost of maintaining all federal land holdings for the previous three years.

- Modify an amendment from Sen. Byron Dorgan (D-N.D.) on requirements for adding or removing property in a national heritage area, requiring that no private property be included unless the owner makes a written request.

Dorgan introduced an amendment to require all agencies funded by the bill to include a separate category for administrative expenses when they submit their 2011 appropriation requests.

An amendment by Sen. Charles Schumer (D-N.Y.) would require states to direct at least 30 percent of federal clean water grants to disadvantaged communities in the form of negative-interest loans, principal forgiveness or grants. The federal government provides the money to the states through the Clean Water State Revolving Fund and Drinking Water State Revolving Fund, which are slated to receive a combined \$3.5 billion in the spending bill.

Sen. James Inhofe (R-Okla.) introduced an amendment aimed at speeding the cleanup of the Tar Creek Superfund Site in Oklahoma. The provision would allow purchases of "chat" -- the gravel-like waste created from lead and zinc mining -- to be counted at twice their purchase price and to be eligible to be counted toward meeting the federally required disadvantaged business enterprise set-aside on federally funded projects.

*Reporter Taryn Luntz contributed.*

## CLIMATE CHANGE/GLOBAL WARMING

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### Climate Summit Concludes Where It Began (*Wall Street Journal*)

SEPTEMBER 23, 2009

By **JONATHAN WEISMAN** and **JOE LAURIA**

UNITED NATIONS -- The world's two largest greenhouse-gas emitters called for new action to curb emissions linked to climate change, but they didn't make any concrete new commitments themselves.



President Barack Obama said the U.S. is "determined to act" to combat climate change, and Chinese President Hu Jintao said his country would cut carbon emissions per unit of economic output by "a notable margin" over the next 11 years. But neither leader specified how his country would actually cut emissions.

That reticence reflects the political realities both men confront at home: domestic industrial bases that, particularly amid a recession, don't want to sacrifice their global economic competitiveness in the name of the environment. And the impasse underscores how difficult it will be for diplomats to reach any significant global agreement to curb greenhouse-gas emissions when they meet in December at a big U.N. climate-change conference in Copenhagen.

Messrs. Obama and Hu called climate change a serious issue and said they needed to work harder together to combat it.

China and the U.S. together account for 40% of greenhouse-gas emissions, meaning the world won't significantly curb the heat-trapping pollutants without their participation. The two countries have been at odds for years over what steps each should have to take to limit emissions.

Mr. Hu told world leaders that China will combat climate change in the next decade by meaningfully cutting carbon emitted per unit of gross domestic product by 2020. Mr. Hu said China would expand its forest coverage -- trees absorb carbon dioxide -- reduce coal consumption and by 2020 increase to 15% the share of energy it derives from renewable sources.

But Mr. Hu didn't commit to a hard cap on emissions. Even if China emits less carbon per dollar of economic product, its overall emissions could grow.

Mr. Obama said, as he has before, that the U.S. will act to combat climate change, and warned of "irreversible catastrophe" for future generations if the world doesn't limit greenhouse-gas emissions. But Mr. Obama's message was overshadowed by signs that Congress may delay action on a proposal to curb U.S. emissions, and by a skirmish in the Senate over proposals to scale back the Obama administration's authority to regulate emissions from various industries.

Mr. Obama acknowledged the "doubts and difficulties" clouding climate legislation in Congress, but said the U.S. is determined to push for a treaty at a December summit in Copenhagen to limit countries' greenhouse-gas emissions.

U.N. Secretary General Ban Ki-moon called the climate summit amid concerns that international talks on reducing greenhouse-gas emissions are stalling. On Tuesday, he said talks ahead of the summit were moving slowly.

"Failure to reach broad agreement in Copenhagen would be morally inexcusable, economically short-sighted and politically unwise," Mr. Ban said.

French President Nicolas Sarkozy said at the U.N. that with 87 days left until the Dec. 12 summit, "the time has passed for diplomatic bargaining." But agreements on key issues, such as how much rich nations are willing to pay poor nations to cut their emissions remain elusive.

The African Union, for instance, is considering walking out of the Copenhagen meeting if rich nations don't pay its members \$67 billion a year to develop non-carbon energy sources.

In his speech, Mr. Obama focused on steps his administration has already taken to fight climate change, such as proposing rules to limit automobile emissions. In a further step Wednesday, the Environmental Protection Agency finalized new rules that will require refineries, cement kilns, glass manufacturers and other large facilities to monitor and report their emissions to the government.

Mr. Obama said he would use a meeting of Group of 20 nations in Pittsburgh this week to push countries to phase out subsidies for fossil fuels. The U.S. offers certain tax breaks to oil companies, some of which the Obama administration has proposed to eliminate.

Oil producers have said that raising taxes on them will discourage domestic energy production and frustrate the administration's stated goal of curbing U.S. reliance on foreign oil. Mr. Obama has resisted proposals to raise fuel taxes that consumers pay directly, such as federal gasoline taxes.

—Stephen Power in Washington contributed to this article.

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## **Nations Appear Headed Toward Independent Climate Goals (*Washington Post*)**

By Juliet Eilperin and Colum Lynch  
Washington Post Staff Writers  
Wednesday, September 23, 2009

Several world leaders on Tuesday gave the most decisive indication in months that they will work to revive floundering negotiations aimed at securing a new international climate pact. But the vision that President Obama and others outlined at the United Nations climate summit -- in which countries offered a series of individual commitments -- suggests that a potential deal may look much different from what its backers originally envisioned.

Initially, many climate activists had hoped this year would yield a pact in which nations would agree to cut their greenhouse gas emissions under the auspices of a legal international treaty. But



recent announcements by China, Japan and other nations point to a different outcome of U.N. climate talks that will be held in December in Copenhagen: a political deal that would establish global federalism on climate policy, with each nation pledging to take steps domestically.

"Many of the jigsaw pieces of an agreement lie across the board, but we have to put them together," said British Energy and Climate Change Secretary Edward Miliband, adding that negotiators are looking for a solution in which "every country is satisfied that every country is taking action" on climate change.

The world's biggest carbon emitters took pains Tuesday to highlight what they have already done to curb their footprint and what they will do in the future. Obama recounted how his administration has made major investments in clean energy, set new fuel economy standards for vehicles and pressed for House passage of a bill to cap emissions and allow companies to trade pollution permits. Less than an hour after he spoke, the Environmental Protection Agency announced that it had finalized rules requiring facilities that emit the equivalent of 25,000 metric tons of carbon or more annually to report their pollution to the agency each year.

Chinese President Hu Jintao, for his part, said his country will establish "mandatory national targets" for the reduction of emission-intense energy sources and said the government will increase the size of the nation's forests. He said his country will place climate change at the center of its long-range plans for economic and social development, and he vowed to "endeavor to cut carbon dioxide emissions per unit of GDP by a notable margin by 2020 from the 2005 level."

Julian L. Wong, a senior fellow at the liberal Center for American Progress, said Hu's proposal is the "clearest signal yet that China is willing to take on responsibilities that are commensurate with its resources and global emissions impact."

Japan's prime minister, Yukio Hatoyama, renewed his pledge to reduce his country's emissions by 25 percent by 2020, the most ambitious commitment to curbing greenhouse gases by an economic power. But Japan's commitment, he said, is conditioned on the willingness of other industrial powers to sign on to similar commitments.

"I am resolved to exercise the political will required to deliver on this promise by mobilizing all available policy tools," he said. "However, Japan's efforts alone cannot halt climate change, even if it sets an ambitious reduction target."

Several leaders of other nations -- both rich and poor -- tried to ratchet up the political pressure for more ambitious greenhouse gas reductions. The United Nations offered Maldives President Mohamed Nasheed a prime speaking spot after Obama; Nasheed sounded weary at the prospect of playing the role of climate change's poster boy for disaster for yet another year.

"On cue, we stand here and tell you just how bad things are. We warn you that unless you act quickly and decisively, our homelands and others like it will disappear beneath the rising sea before the end of the century," he said. "In response, the assembled leaders of the world stand up one by one and rail against the injustice of it all. . . . But then, once the rhetoric has settled and

the delegates have drifted away, the sympathy fades, and the indignation cools, and the world carries on as before."

French President Nicolas Sarkozy, who has been working behind the scenes to craft a joint negotiating position with Brazil for Copenhagen, called on industrial leaders to hold a summit in mid-November to increase pressure on countries to strike a deal by December. "The time has passed for diplomatic tinkering, for narrow bargaining," he said. "The time has come for courage, mobilization and collective ambition."

"That's the real power of the U.N.," said Ned Helme, president of the Center for Clean Air Policy. "It's all about the view of everyone. You stand up and say what you're going to do."

U.N. Secretary General Ban Ki-Moon, who organized the session, prodded governments to look beyond their own national interests and make painful compromises to guarantee a climate deal by the end of the year. "Climate change is the preeminent geopolitical and economic issue of the 21st century," he said. "It will increase pressure on water, food and land, reverse years of development gains and exacerbate poverty, destabilize fragile states and topple governments."

While Obama told the assembly that the world must come up with a "flexible and pragmatic" solution to global warming, Republicans immediately criticized him for trying to impose a mandatory cap on carbon emissions.

"I believe very strongly that action on climate change has to include meaningful reductions," Sen. Lisa Murkowski (R-Alaska) said in a call with reporters. "We have also got to make sure that we don't kick the economy in the head."

*Lynch reported from the United Nations. Staff writer Michael D. Shear contributed to this report.*

## **U.S. and China Vow Action on Climate but Cite Needs (*New York Times*)**

By **NEIL MacFARQUHAR**

September 23, 2009

UNITED NATIONS — World leaders gathered here for a global summit meeting on [climate change](#) made modest proposals on Tuesday for combating the problem, underscoring the way domestic political battles still trump what [United Nations](#) officials had hoped would be a sense of global urgency.



The negotiations for a new international agreement to curb emissions of greenhouse gases have stalled, making an agreement in Copenhagen by December difficult. In calling the conference, [Ban Ki-moon](#), the United Nations secretary general, asked heads of state and government both in public and in private to set aside national concerns and become “global leaders.”

In speech after speech, presidents and prime ministers of countries large and small spoke with soaring promises about the importance of confronting the problem for future generations. But when it came down to the nuts-and-bolts promises of what they were prepared to do in the next decade, experts and analysts were disappointed that there were no bold new proposals, particularly from the United States.

“It was really great to have the vision, but with just 70 days left to Copenhagen, it is time to put some substance on the table,” said Steve Howard, the founder of [the Climate Group](#), an international organization pushing for a climate change agreement. “The two most important countries on this issue are being guarded in their positions.”

Those two countries — the United States and China — account for more than 40 percent of the carbon emissions, roughly divided between both.

[Speaking at the green marble lectern](#) of the [General Assembly](#) chamber, [President Obama](#) told the audience of some 100 heads of state and government that “unease is no excuse for inaction.” China’s president, [Hu Jintao](#), spoke of reducing the “carbon intensity” of his fast-growing economy, or cutting emissions as a percentage of future economic output, by a “notable” margin that he did not specify.

Mr. Obama acknowledged that the United States once played down the issue, but now recognized its gravity. The world “cannot allow the old divisions that have characterized the climate debate for so many years to block our progress,” he said, adding that forging consensus would come slowly. “And so all of us will face doubts and difficulties in our own capitals as we try to reach a lasting solution to the climate challenge.”

In a shift of emphasis, Mr. Obama divided developing nations into two categories. The nations with a strong industrial base — countries like China, India and Brazil, although he did not name them — would need to accept curbing their emissions in any agreement. But the poorest nations, he said, deserve financial and other aid to tackle current climate problems and future green development.

Mr. Obama said he was committed to having the United States make its largest investment ever in renewable energy, to setting new standards for reducing pollution from vehicles and to making clean energy profitable, among other initiatives.

The United States is considered essential to success in Copenhagen. It never joined the 1997 Kyoto accord, the first major attempt to limit emissions in a global treaty, partly because the accord did not set mandatory targets for powerhouse developing states like China.



In his speech, President Hu of China said his nation would take four steps toward greener development. He said China would reduce the amount of carbon dioxide it emits to produce each dollar of gross domestic product by a “notable margin” by 2020 compared with 2005 levels; increase forests by 40 million hectares (about 98.8 million acres); increase nuclear or nonfossil fuels to 15 percent of power by 2020 and work to develop a green economy.

Analysts gave China credit for taking carbon emissions more seriously. Its leaders now accept the need to reduce pollution, partly because their country is vulnerable environmentally and partly because they hope to become leaders in green technology. But Mr. Hu neither defined “notable” nor accepted any binding cuts on emissions. He also tied the emissions reduction effort to the growth in China’s gross domestic product, so the amount of emissions per dollar of output — or “carbon intensity” — might shrink, but the overall number could still rise as the economy expanded.

“Developing countries need to strike a balance between economic growth, social development and environmental protection,” President Hu said.

Todd Stern, the United States envoy for climate change, reflected the general reaction to the Chinese proposal by saying, “That can be good, but it all depends on what the number is.”

The president of India did not attend, but the country’s environment minister, Jairam Ramesh, told reporters that the government hoped to enact a series of measures that would curb emissions, including new building codes, limits on deforestation, reductions in greenhouse gases generated by agriculture and increases in renewable sources of energy to 20 percent by 2020 from 8 percent now.

Mr. Ramesh said the lack of specific promises from Mr. Obama should not have been a surprise because like India, the United States is a democracy in which actions depend on popular approval.

The prospect of action by the United States Senate this year appears dim, with Congress mired in the fight over health care and Democrats divided on climate change measures. In late June, the House passed a climate change and energy bill sponsored by two Democratic representatives, Henry A. Waxman of California and Edward J. Markey of Massachusetts.

But on the domestic front, even some enthusiastic Obama supporters expressed disappointment that he had not used such an important global pulpit to make a stronger case for both international action and a forceful declaration of what the United States would do.

“We need President Obama to step up and say, ‘I need an economywide emissions cap,’ ” said Andrew Deutz, director of the Nature Conservancy’s international government relations program. “ ‘I need money to negotiate. I need Waxman-Markey passed by X date so I can go to Copenhagen and negotiate.’ ”

A few leaders did make significant commitments.



Prime Minister [Yukio Hatoyama](#) of Japan, who took office last week, said that his country would seek to cut greenhouse gas levels 25 percent, to 1990 levels, by 2020, and that Japan would provide significant financial and technical aid for green development.

Mohamed Nasheed, the president of Maldives, an Indian Ocean island state threatened with extinction if global warming causes seas to rise, said developing states should commit to mandatory limits. He said his country would commit to being carbon neutral by 2020.

Rajendra K. Pachauri, the chairman of the [Intergovernmental Panel on Climate Change](#), warned that current emissions trajectories were speeding the world toward the panel's worst-case possibilities.

"Science leaves us with no space for inaction now," he said.

*John M. Broder contributed reporting from Washington.*

## **Big Polluters Told to Report Emissions (*New York Times*)**

By [LESLIE KAUFMAN](#)

September 23, 2009

The [Environmental Protection Agency](#) said on Tuesday that it would require the nation's biggest emitters of greenhouse gases to start tracking their emission levels on Jan. 1 and report them to the government.

The E.P.A. said the reporting would cover roughly 85 percent of the greenhouse-gas emissions in the United States linked to [global warming](#).

The new rules would require 10,000 industrial sites and suppliers of petroleum products to submit the data beginning in 2011. Suppliers of fossil fuels will be asked to estimate how much carbon dioxide, methane and other greenhouse gases are emitted when the fuels are burned by businesses and consumers in buildings and cars, the agency said.

The E.P.A. said it had no firm estimate on how many businesses had the training and systems in place to report on their emissions.

But a large percentage of those covered by the new regulations are already required to report emissions under other programs sponsored by the agency, it said. The agency said it had also been reaching out to businesses and offering training in how the emissions can be measured. The E.P.A. said the reporting system would provide vital data to businesses seeking to compare and control their emissions and better information to the government, which has been trying to forge a policy on how to combat climate change since [President Obama](#) took office.

“The American public, and industry itself, will finally gain critically important knowledge and with this information we can determine how best to reduce those emissions,” [Lisa P. Jackson](#), the agency’s administrator, said in a statement.

Yet the rules, proposed last March, remain controversial.

Many businesses have asserted that the reporting requirement is a first step toward burdensome and needless government regulation.

Senator Lisa Murkowski, Republican of Alaska, has been circulating a draft amendment to a [federal budget](#) bill that would prevent the E.P.A. from monitoring carbon dioxide being released from stationary sources like power plants.

But some business organizations have recently taken a less antagonistic stance. “We have always supported transparency and do not oppose the reporting requirement,” said Bill Kovacs, senior vice president for environment, technology and regulatory affairs at the United States Chamber of Commerce.

## **U.N. Sets an Example by Offsetting Its Carbon Emissions (*New York Times*)**

By [ELISABETH ROSENTHAL](#)

September 23, 2009

Like most large international conferences, the [United Nations](#) climate summit meeting in New York this week generated a hefty dose of greenhouse gas emissions.

Hundreds of presidents, prime ministers and officials from across the globe this week took airplanes to the United Nations meeting, some accompanied by dozens of people. Limousines



and motorcades ferried the dignitaries from airports to meetings to hotels and back, often getting stuck in Midtown Manhattan gridlock.

But since the goal of this meeting was to reduce the global emissions that have been linked to [global warming](#), the United Nations decided to try to do something about all the carbon dioxide produced by the delegates: it bought carbon offsets.

Under a new and expanding program for offsetting emissions, United Nations administrators calculated that the meeting would generate the equivalent of 461 tons of carbon dioxide, with air travel being the single largest component. They offset those emissions by directing money to a power project in rural Andhra Pradesh, India, through which agricultural leftovers like rice husks and sunflower stalks are turned into electricity for the local grid.

The offsets are intended to cancel out the carbon dioxide emissions created by airline travel or driving by financing green projects that will eliminate as much CO<sub>2</sub> as the polluting activities create.

Since most of India's power is currently produced by burning fossil fuels, like [coal](#), producing energy instead at the Andhra Pradesh biomass plant reduces India's overall carbon emissions. The United Nations first tried its hand at large-scale offsets two years ago, shortly after Secretary General [Ban Ki-moon](#), who called Tuesday's conference, took office and declared that climate issues would be a central theme of his tenure.

"The secretary general started talking about greening the U.N. and that we needed to lead by example," said Dan Shepard, a United Nations spokesman in New York.

Earlier efforts at offsetting emissions, Mr. Shepard said, were less systematic, and over time, they have become more sophisticated and rigorous. The United Nations hopes eventually to apply the offset system to all meetings, "as well as individual travel," he said.

Of necessity, figuring out how much carbon dioxide needs to be offset for a large meeting involves choices. In calculating the potential emissions of the New York meeting, the United Nations tallied the airline emissions for the flights of each leader and one aide, even though many of the leaders who attended have larger delegations.

It can also be difficult to monitor how the money for offsets is used and to calculate how much carbon dioxide is actually saved. Officials chose an offset project certified by the Clean Development Mechanism of the United Nations for carbon credits. The project is on track to receive the Gold Standard — the highest reliability ranking for carbon credits, much like an A rating for bonds. It has also brought jobs and electricity to a poor part of rural India, which supports the goals of the United Nations, according to literature describing the project.

"This is a whole new ballgame for us," Mr. Shepard said.

# **U.S., China seek to reignite global talks on climate change (*Los Angeles Times*)**

Speeches by Presidents Obama and Hu at a U.N. summit are well received. But skeptics say that action alone can lead to a global agreement in Copenhagen this year.

By Christi Parsons and Jim Tankersley

September 23, 2009

Reporting from Washington and New York

The world's two biggest producers of greenhouse gases sought to build momentum Tuesday for stalled efforts to craft a global agreement to limit emissions, with China pledging to make sweeping changes by 2020 and President Obama exhorting world leaders to act to avert catastrophe.

Critics of the two countries, which together produce 40% of the gases that cause global warming, were cheered by the cooperative tone from Obama and Chinese President Hu Jintao at a United Nations summit in New York. But they said that much more than positive words would be necessary if negotiators are to complete an international accord by a December deadline.

In his first speech during a week of international meetings, Obama made an impassioned pitch to an international community that has grown skeptical of his ability to lead the effort to confront climate change. He acknowledged that the U.S. carries a portion of the blame for global warming, offering a stark assessment of the dangers of climate change and a resounding pledge that the United States would address it.

"We understand the gravity of the climate threat," Obama said. "We are determined to act. And we will meet our responsibility to future generations."

But he stopped short of calling for Senate passage of a bill to limit greenhouse gas emissions, the one action that would most soothe international concerns about Americans' resolve on the issue.

Though declining to commit to specific reductions, China's president spoke in more detail about his nation's plans.

In his speech at the summit, Hu said that by 2020 China would plant 154,000 square miles of forest, which scrubs the air of carbon dioxide. That is an area slightly smaller than California. He set a target of drawing 15% of China's energy from non-fossil fuels by the same year, and said



China would boost its efforts to develop renewable energy technology.

The U.N. conference came at a time of rising concern about progress in the talks leading up to a summit in December in Copenhagen that is intended to cap a new global climate agreement. European officials say the negotiations are nearly at a deadlock. Obama administration officials say they think there still is cause for hope, but also are leaving open the possibility that talks will extend into next year.

In private meetings and public comments throughout the day, Obama tried to make the case for a cooperative effort. He touted steps the U.S. had taken to reduce its carbon "footprint," including investing economic stimulus money in clean energy projects and raising vehicle emission standards.

But environmental activists found more to praise in China's approach.

"It's a very positive sign that they did it on an international stage," said Jake Schmidt of the Natural Resources Defense Council. "They don't like to put their leader out there and not deliver on it."

Obama, he added, "didn't send quite as clear a message as the world was hoping for. . . . It is not clear that the administration will have anything to say in Copenhagen, and it makes people very nervous. How do you move forward when the world's biggest player is not involved?"

And despite the positive tone, strains that have limited progress in the climate negotiations still were evident.

Hu told the assembly he would measure the cuts in terms of China's gross domestic product, and didn't set a firm figure, indications that China is worried about possible effects on its economic growth.

China and India argue that it is unfair to penalize developing countries with specific targets for reducing emissions. Hu called on richer nations such as the United States to "take up their responsibility and provide new, additional, adequate and predictable financial support to developing countries" to help reduce emissions.

But the Obama administration is under intense pressure from Congress members from Rust Belt states to penalize Chinese imports if that country does not limit its emissions.

Rep. James F. Sensenbrenner Jr. of Wisconsin, the top Republican on the House committee on global warming, said, "There is only one thing China, India and other nations can say that will have a significant impact on the upcoming U.N. climate change talks in Copenhagen, and that is: 'We will join developed countries in legally binding emission cuts.' Anything short of that commitment is just window dressing."

In the wake of the speeches, many environmental groups immediately turned their attention back to Capitol Hill.

Climate commitments from China and other countries "should give President Obama and the Senate the confidence to act before Copenhagen," Jennifer Morgan, the climate and energy program director of the World Resources Institute, said in a statement. "The world has been hearing, 'Yes, we can; yes, we must,' but now needs to hear, 'Yes, we will.' "

Carol Browner, Obama's point person on climate issues, suggested that it's better for the president to make the best of his current situation. Senate Majority Leader Harry Reid (D-Nev.) is in charge of the schedule, she said, not the White House.

The administration is "using laws on the books," she said, "to make a very important down payment."

Still, the president laid down a personal marker on the issue of global warming, speaking in starker terms than he has used in months to describe the risk of not acting.

"The security and stability of each nation and all peoples -- our prosperity, our health, our safety -- are in jeopardy," Obama said. "And the time we have to reverse this tide is running out."

He asserted that individual countries can pursue economic prosperity while doing their part to protect the planet.

"Each of us must do what we can, when we can, to grow our economies without endangering our planet, and we must all do it together," Obama said. "We must seize the opportunity to make Copenhagen a significant step forward in the global fight against climate change."

The poorest nations have more to gain by correcting course, Obama suggested, arguing that they suffer disproportionately from the effects of climate change.

"For these are the nations that are already living with the unfolding effects of a warming planet -- famine and drought, disappearing coastal villages and the conflict that arises from scarce resources," Obama said.

"Their future is no longer a choice between a growing economy and a cleaner planet, because their survival depends on both."

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Times staff writer Thomas H. Maugh II in Los Angeles contributed to this report.



# Deal on climate change is elusive (*USA Today*)

By Traci Watson, USA TODAY  
2009-09-22

Two years ago, more than 180 nations made a bold promise: By the end of 2009, they would draft a sweeping treaty to slow climate change.

Yvo de Boer, the [United Nations'](#) top climate-change official, called the agreement "a real breakthrough," and British Prime Minister [Gordon Brown](#) expressed confidence it would produce "a deal ... in 2009 to address the defining challenge of our time."

**IN NEW YORK:** [President Obama](#) urges Mideast progress

Now the deadline is nearing, and hope is fading. The treaty is supposed to be finalized at talks that start Dec. 7 in [Copenhagen](#), but diplomats have made almost no progress toward an agreement — a point made repeatedly by world leaders Tuesday at the [U.N.](#) climate summit in [New York](#).

"As we head towards Copenhagen, there should be no illusions that the hardest part of our journey is in front of us," President [Obama](#) said at the U.N.

Swedish Prime Minister [Fredrik Reinfeldt](#) warned of a deadlock. "The negotiations are going far too slowly," he said.

The debate over climate change is wrapped in a range of political and economic conflicts.

Climate scientists, such as [Rajendra Pachauri](#), head of a U.N.-organized group of thousands of climate experts, say the world is headed for dramatic changes unless nations slash emissions of carbon dioxide — from cars, power plants and factories — and other greenhouse gases soon.

The key question is how to do so without crippling the worldwide economy — and making such limits fair to industrialized nations such as the United States as well as developing nations and rising powers such as China. The U.S. Energy Department says China is the only nation that produces more carbon dioxide emissions from burning fossil fuels than the USA.

The notion that such emissions are dramatically changing the climate is widely accepted.

The U.N.'s [Intergovernmental Panel on Climate Change](#) published a report two years ago saying the odds are better than 90% that global warming is caused by humans. Even so, there are holdouts — notably Republicans in the U.S. Senate, which ratifies treaties involving the USA — who question whether emissions have much of a role in what they suggest is a natural warming of the planet.

Meanwhile, there are questions about whether even a dramatic reduction in emissions would avoid dangerous climate changes.

Against that backdrop, the scramble for a deal to combat global warming continues.

Key nations will take part in climate talks at a flurry of upcoming meetings, including the G-20 meeting in Pittsburgh of major economic powers Thursday and Friday and further U.N. talks starting Monday in Bangkok.

The Earth isn't waiting, scientists say.

If emissions keep increasing as they have, the planet's average temperature will rise 3 to 7 degrees by 2100, according to the [U.N. climate panel](#)'s 2007 report.

A temperature rise of more than 3½ degrees could melt the ice covering Greenland — raising sea levels 20 feet, says climate scientist Jonathan Gregory of Britain's University of Reading.

If Antarctica's ice melts, too, cities such as Hong Kong and Miami would be threatened, MIT climate scientist John Reilly says.

Scientists at the Hadley Centre reported this year that above 3½ degrees, swaths of the Amazon rainforest will die.

Despite such dire scenarios, drafting a climate treaty will be "10 times more difficult" than it was in 1997, when diplomats meeting in Kyoto, Japan, agreed to the world's first mandatory climate pact, says [John Prescott](#), Britain's former deputy prime minister and an important player in the Kyoto deal. More nations are involved now, Prescott says, and they are further apart on how much to cut emissions.

The worldwide financial crisis is adding to the economic concerns that surround talks on a climate-change treaty.

Obama acknowledged the economic pressures in Tuesday's speech, saying "every nation's most immediate priority is reviving their economy and putting their people back to work. And so all of us will face doubts and difficulties in our own capitals as we try to reach a lasting solution to the climate challenge."

The Bush administration and the Senate opposed the Kyoto Protocol because it exempted developing nations such as China and India from mandatory emissions cuts, which U.S. politicians feared would put the USA at an economic disadvantage. The Senate's lack of approval of the Kyoto treaty helped make the treaty ineffective in cutting emissions.

Today, many U.S. senators have the same worries they had in the 1990s: that a climate treaty would slow economic growth, make U.S. industry less competitive and drive up energy prices.



The Kyoto Protocol expires in 2012. If the deal making in Copenhagen leads to a new pact that would harm the U.S. economy, "no such treaty or agreement can be approved by the Senate," says Sen. [James Inhofe](#), R-Okla.

Here are some of the problems confronting the global effort to cool the Earth's temperature:

### **Mistrust and finger-pointing**

In Copenhagen, countries are supposed to settle which of them would be required to lower their emissions and by how much.

The battle over those issues is unlikely to end this year, says Eileen Claussen, head of the Pew Center on Global Climate Change and a former U.S. climate official. That's because the countries are far apart:

- [The European Union](#) suggested to the U.N. that industrialized countries, including its members, cut emissions by 30% by 2020. Meeting that limit plus another goal to use more solar power and other "renewable energy" would cost tens of billions of dollars in 2020, according to a European Commission study.
- China, which considers itself a developing country, wants developed countries to cut emissions 40% by 2020, according to the official Xinhua news agency. China insists it should not be subject to mandatory emissions cuts, pointing to its efforts to produce more renewable energy and to become more energy-efficient.
- A bill passed by the House of Representatives in June would use a carbon-trading system to help cut U.S. emissions 17% by 2020, according to an analysis by the [World Resources Institute](#), an environmental research group. A similar bill is scheduled to be introduced in the Senate in the next few weeks.

The numbers being floated are partly bargaining positions, says former U.S. climate negotiator Rafe Pomerance, now president of Clean Air-Cool Planet, a non-profit climate-change group. But he said nations "end up creating a set of expectations that would be difficult to meet."

### **Demands for money**

Several dozen industrialized nations agreed two years ago to dig deeper into their pockets for climate-related aid.

Developing countries would draw on the funds to cut their own emissions and to cope with the effects of a warming world, such as water-collection projects to guard against drought.

The thorny question is how much money wealthier nations will offer. At negotiations in August, developing countries requested \$400 billion a year. A U.N. report released Sept. 1 pegged the need at more than \$500 billion a year.

That far outstrips the money that developed nations are likely to put on the table, particularly at a time of budget deficits.

The European Union said Sept. 10 that it would contribute up to \$22 billion a year, but the United States has kept quiet. Obama's proposed budget for foreign aid in 2010 is \$36.5 billion for public health programs, anti-drug campaigns and other projects.

Developing nations have threatened to derail the talks if their demands aren't met.

If a treaty "is not consistent with our minimal position," Ethiopian Prime Minister [Meles Zenawi](#) said Sept. 3, according to Reuters, "we are prepared to walk out of any negotiations."

### **Senate stalemate**

Twelve years ago, the Senate overwhelmingly opposed a global-warming treaty — 95 of the 100 senators voted for a resolution against any agreement that would harm the U.S. economy.

U.S. diplomats learned their lesson, Claussen says: Don't settle on a treaty that's likely to be rejected back home.

This time, U.S. climate negotiators have "made clear" that they won't finalize a treaty without "a very good sense of where Congress is," Claussen says.

The clock is working against the U.S. team. Introduction of a Senate version of the climate bill has been delayed repeatedly and may not take place until October, in part because of the health care debate. Senate Majority Leader [Harry Reid](#), D-Nev., said last week that a bill may not come up for a vote until 2010.

The House version includes measures to soften economic impacts of reducing carbon dioxide emissions. Among them are financial aid to workers who lose their jobs because of the bill and barriers to importing goods from nations that don't cut emissions.

Even so, most Republican senators oppose a bill on climate change, and many moderate Democrats — especially those from coal and manufacturing states in the Midwest — are worried that such a plan would mean job losses in their states.

There's also a faction of senators who are skeptical that climate change is a problem at all.

"A lot of members of Congress ... are absolutely convinced" that humans are the primary cause of global warming, Sen. [Chuck Grassley](#), R-Iowa, said last month. "I haven't reached that conclusion at this point."

### **Scientific realities**

Nearly all the news from scientists add up to one hard truth: It will be extremely difficult to avoid more warming of the Earth.



Even if carbon dioxide emissions fell to zero tomorrow, the Earth's temperature would continue to rise, says climate researcher Francisco de la Chesnaye of the [Electric Power Research Institute](#).

That's because it takes decades for the climate to adjust fully to a new level of greenhouse gases in the atmosphere, he says.

In July, the European Union and 16 of the world's wealthiest nations — including China and the United States — signed a statement acknowledging the scientific opinion that the Earth's temperature rise "ought not to exceed" roughly 3½ degrees.

That's a tall order. The Earth already has warmed 1½ degrees since the late [19th century](#) and will warm another 1 degree by 2100 based on the greenhouse gases already emitted.

To keep the temperature rise below 3½ degrees, greenhouse gases may have to be cleansed from the atmosphere, says Hugh Pitcher of the Pacific Northwest National Laboratory.

That might be accomplished, say Pitcher and other climate experts, with technology that doesn't yet exist: systems to suck carbon dioxide from the air and store it underground.

"We have got ourselves painted into a little bit of a corner on this one," he says.

Based on the amount of greenhouse gases now in the atmosphere, achieving the 3½ degree goal "will require huge efforts over the whole century," MIT climate expert Henry Jacoby says. "The kind of agreement that can be reached in Copenhagen can only get started on that task."

Though it will be difficult to prevent more warming, that doesn't mean "we might as well go home and forget it," Jacoby says. "If we get discouraged and don't do anything, the implications are very, very serious. The risks are very, very great."

## **Utility Leaving U.S. Chamber Over Stance on Climate Change (*Washington Post*)**

By David Fahrenthold  
Washington Post Staff Writer  
Tuesday, September 22, 2009 5:56 PM

Pacific Gas and Electric, a large California utility, said Tuesday that it is pulling out of the U.S. Chamber of Commerce because it disagrees with the chamber's aggressive opposition to climate-change legislation.

The San Francisco-based company announced the move on its blog, [Next100](#). The blog said utility chief executive Peter Darbee had [written a letter criticizing the chamber's recent demands](#)

that the Environmental Protection Agency hold a "Scopes Monkey Trial" to prove the science behind climate change.

"We find it dismaying that the Chamber neglects the indisputable fact that a decisive majority of experts have said the data on global warming are compelling and point to a threat that cannot be ignored," Darbee wrote.

The chamber, which says it represents 3 million U.S. businesses, has been one of the loudest voices opposing the climate-change legislation passed by the U.S. House in June. Its officials have said the bill would create burdensome and confusing new government regulations and make energy more scarce and expensive.

A chamber spokesman said this afternoon that the group does not comment about "the comings and goings" of member companies.

Environmentalists said this decision was similar to several companies' defections from the American Coalition for Clean Coal Electricity, which has lobbied for coal-fired power plants to be better protected in a climate bill.

"We are seeing a greater number of companies that feel so strongly that we need a real policy [on climate change] that they are willing to go where usually businesses don't go, which is to acknowledge conflict with the views of their member organizations," said Pete Altman, of the Natural Resources Defense Council.

## **Utility Leaves Chamber Over Climate Issue (*New York Times*)**

*By Kate Galbraith*

September 22, 2009, 4:45 pm

Pacific Gas & Electric, the big California utility, has pulled out of the [United States Chamber of Commerce](#) over what its chairman, Peter Darbee, termed "fundamental differences" over the climate change issue.

In a letter to the Chamber — a business group that has often been a [vocal critic](#) of President Obama's policies to regulate greenhouse gas emissions — Mr. Darbee wrote:

We find it dismaying that the Chamber neglects the indisputable fact that a decisive majority of experts have said the data on global warming are compelling and point to a threat that cannot be



ignored. In our opinion, an intellectually honest argument over the best policy response to the challenges of climate change is one thing; disingenuous attempts to diminish or distort the reality of these challenges are quite another.

Excerpts from the letter were published on PG&E's blog, [Next100.com](http://Next100.com). PG&E is the dominant utility in northern California, and has aggressively pursued energy efficiency and renewable energy.

The Chamber has [threatened litigation](#) if the Environmental Protection Agency does not reopen the question of the science behind climate change.

## **Murkowski mulls stopping EPA climate moves (Reuters)**

Tue Sep 22, 2009 6:21pm EDT

By [Richard Cowan](#)

WASHINGTON (Reuters) - The U.S. Environmental Protection Agency would be prohibited for one year from clamping down on some new carbon dioxide pollution under legislation being crafted on Tuesday by Republican Senator Lisa Murkowski.

The "time out" would stop EPA from issuing regulations aimed at reducing greenhouse gas emissions from utilities and factories, the Republican senator said.

The Obama administration is urging Congress to pass a bill that would reduce smokestack emissions of carbon dioxide and other gases that contribute to global warming.

The U.S. legislation is designed to be part of a global effort aimed at climate control steps to be discussed in Copenhagen in December.

More than 30 environmental groups wrote to senators urging them to oppose Murkowski's amendment if she offers it. The measure, they said, "would delay America's progress toward a clean energy economy that would create jobs, increase America's energy security, and cut pollution."

The Alaska senator said that she had not yet made a final decision on whether to pursue such an amendment to a bill now being debated by the Senate, which would fund EPA activities in the fiscal year starting October 1.

Murkowski said that she would not try to stand in the way of new EPA rules to reduce automobile emissions or collect information on U.S. greenhouse gas emissions.

In remarks to reporters, Murkowski said that problems related to climate change needed to be addressed, but not through EPA regulation.

"Congress does need to act on climate change," Murkowski said, adding that EPA regulations could "poison" attempts to pass legislation.

While the House of Representatives passed a carbon emissions bill in June, similar efforts have bogged down in the Senate.

If Congress cannot pass comprehensive legislation because of opposition from conservative lawmakers, President Barack Obama's EPA has the authority to go ahead with carbon dioxide reduction efforts, in a more narrow way, possibly as early as next March.

While Murkowski said climate control legislation was necessary, she did not voice support for the "cap and trade" legislation passed by the House and being crafted in the Senate. Those would reduce carbon emissions over the next few decades and establish a trading system for companies to sell pollution permits to each other.

Instead, Murkowski has worked for narrower legislation encouraging the use of more alternative energy.

(Additional reporting by Ayesha Rascoe; Editing by Sandra Maler)

## **EPA finalizes greenhouse gas reporting rule (Greenwire)**

*Robin Bravender, E&E reporter*

**09/22/2009**



U.S. EPA today finalized a nationwide system to require large sources of greenhouse gases to report their emissions.

The new **rule** will require about 10,000 facilities that emit about 85 percent of the nation's greenhouse gases to begin to collect emissions data under a new reporting system, EPA said. Suppliers of fossil fuels and industrial greenhouse gases, motor vehicle and engine manufacturers and other facilities that emit 25,000 metric tons or more of carbon dioxide equivalent will be subject to the new requirements.

EPA Administrator Lisa Jackson called the new rule a major step forward in efforts to address the heat-trapping gases.

"For the first time, we begin collecting data from the largest facilities in this country, ones that account for approximately 85 percent of the total U.S. emissions," Jackson said in a statement. "The American public, and industry itself, will finally gain critically important knowledge and with this information we can determine how best to reduce those emissions."

Most small businesses would fall below the 25,000-metric-ton threshold, EPA said, and would not be required to report their emissions. The only agricultural sources that are required to report their emissions are manure management systems at livestock operations where greenhouse gas emissions meet or exceed the 25,000-ton limit. About 100 livestock operations meet that threshold, EPA said.

Facilities are required to begin collecting emissions data on Jan. 1, 2010, and the first emissions reports will be due in March 2011. EPA will verify the data and will not require third-party verification. Prior to EPA verification, the facilities will be required to self-certify their data.

Many industry groups expressed concerns that EPA's draft rule, released in March, would impose significant costs and regulatory burdens. The American Petroleum Institute and the U.S. Chamber of Commerce were among the groups that criticized the agency's draft regulations (*Greenwire*, Sept. 17). Representatives from those groups were not immediately available to comment on the final rule.

Environmentalists applauded the new regulation, which is widely viewed as a major step toward informing future policy decisions on carbon dioxide regulations.

"The public has both a need and a right to know about the country's biggest emitters," said Mark MacLeod, director of special projects at Environmental Defense Fund. "The transparency provided today will inform smart policy that targets the biggest sources of heat-trapping emissions."

Said David Bookbinder, chief climate counsel at the Sierra Club, "I think it shows they're continuing to move along, and they've got a bunch of rules that they've got to get done."

Bookbinder said that the suite of greenhouse gas regulations pending at EPA could give the Obama administration some leverage in upcoming climate change negotiations.

President Obama touted the new reporting rule today at a U.N. climate change summit in New York (*see related story*). "I am proud to say that the United States has done more to promote clean energy and reduce carbon pollution in the last eight months than at any other time in our history," he said, citing the reporting rule as one of the administration's achievements on that front.

## **White House clears GHG proposals**

The White House yesterday finished its review of two draft regulations that are part of the suite of climate regulations expected to soon be proposed by EPA.

The Office of Management and Budget has cleared the agency's greenhouse gas "tailoring" rule, as well as its reconsideration of a George W. Bush administration policy on regulating emissions from coal-fired power plants.

The "tailoring rule" is expected to limit strict permitting requirements to industrial sources of more than 25,000 tons a year of carbon dioxide equivalent (*Greenwire*, Sept. 1).

The White House also cleared a proposal that is expected to detail the Obama administration's reconsideration of the "Johnson memo," a document issued by former EPA Administrator Stephen Johnson asserting that the government should not regulate carbon dioxide emissions from new coal-fired power plants (*E&ENews PM*, Sept. 10).

EPA has not yet released the text of the proposals.

[Click here](#) to read EPA's greenhouse gas reporting rule.

## **Industry will outline plan to halve carbon emissions (*Greenwire*)**

*09/22/2009*

The aviation industry today will announce a plan to cut carbon dioxide emissions in half by 2050.

British Airways chief executive Willie Walsh will unveil an agreement to slash emissions to 50 percent below 2005 levels during the United Nations forum on climate change in New York.



"International aviation emissions were not included in the Kyoto Protocol 12 years ago. Now we have a chance to rectify that omission, and we must seize it," Walsh said in planned remarks. "Our proposals represent the most environmentally effective and practical means of reducing aviation's carbon impact. They are the best option for the planet and we urge the U.N. to adopt them."

If the U.N. accepts the proposal, it will get placed on the agenda for the Copenhagen talks in December (Dan Milmo, [London Guardian](#), Sept. 21). -- **JK**

## **Canada should halt oil sands, boost emission targets - - IPCC chief (*Greenwire*)**

*09/22/2009*

The head of the United Nations' climate panel said Canada must do more to help tackle global climate change by pledging deeper pollution cuts and temporarily halting production of Alberta's oil sands.

Rajendra Pachauri, head of the agency's Intergovernmental Panel on Climate Change, said Canada should follow the European Union, which has pledged to cut its greenhouse gas emissions by 25 percent below 1990 levels by 2020.

Canada has promised to cut emissions 20 percent below 2006 levels by 2020.

"In the last couple of years, I'm afraid, Canada has not been seen as sitting at the table," Pachauri said yesterday in Montreal before heading to New York for today's U.N. summit on climate change. "I think Canada should be doing much more."

Canada's oil sands are believed to contain the second largest reserves outside of Saudi Arabia, but are targeted by environmentalists who say the production process emits large amounts of heat-trapping gases.

Pachauri called for Canada to put oil sands projects on hold until there is a viable way to capture and store CO<sub>2</sub>. "It's something that perhaps could lead to regrets later on, so you might as well make sure that all the requirements that are to be met ... are taken in hand right at the beginning," he said (Monique Beaudin, [Canwest News Service](#), Sept. 21). -- **PT**

## Carbon capture refit in W.Va. draws notice (*Greenwire*)

09/22/2009

A coal-fired power plant in West Virginia is planning to install carbon capture and storage equipment, drawing the attention of industry officials worldwide who are looking for answers to greenhouse gas pollution.

The Mountaineer power plant was built in 1980 before global warming was a significant part of the energy discussion, but now it may become the world's first to be retrofitted with climate-friendly carbon capture technology.

The plant produces 8.5 million metric tons of annual carbon dioxide emissions, but officials hope the technology will cut into that deeply (*ClimateWire*, Sept. 14).

Retrofitting is controversial on multiple fronts, as is carbon capture as a whole.

Some argue that building new plants with carbon storage is more efficient than attempting to add the equipment to old ones. Additionally, some say the equipment -- which is predicted to internally consume between 15 percent and 30 percent of the plant's power output -- could make coal power more expensive than carbon-neutral energy options such as solar and nuclear.

And some are concerned that the technology itself will not work, fearing the carbon will not stay stored underground or that the underground carbon dioxide will poison water supplies.

Supporters say that coal -- which still supplies about half of all U.S. electricity -- will continue to be burned, and that carbon capture is a critical climate solution. "I really believe, in my heart of hearts, that coal is going to be burned around the world for years to come," said Michael Morris, chairman and president of American Electric Power, which owns the Mountaineer plant. "Retrofitting is going to be essential" (Matthew L. Wald, *New York Times*, Sept. 22). -- PR

## HAZARDOUS WASTES

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# EPA Advances Terror Cleanup Approach Despite High-Level Concerns (*Inside EPA*)

TUESDAY, SEPTEMBER 22, 2009

EPA is continuing to move forward with new terrorism response guides that embrace a controversial cleanup approach despite unresolved questions about how the agency will address activist's concerns over the approach and indications that key congressional Democrats and high-ranking Obama appointees also have concerns.

According to a recent Government Accountability Office (GAO) report on federal preparedness to respond to terror attacks, EPA as recently as this month drafted a new guide on applying the cleanup approach known as "optimization" -- which allows officials cleaning up after a terrorist attack to set site-specific cleanup levels rather than following default EPA health standards -- to incidents involving an attack using so-called "dirty bombs," which would contaminate an area with radiation.

The new guide, which both GAO and EPA declined to release, is dated September 2009 and titled *EPA Guidance on the Optimization Process Following a Radiological Dispersal Device or Improvised Nuclear Device Incident*, according to GAO.

In addition, last month EPA and the Department of Homeland Security (DHS) quietly released for public comment a draft guide for cleanup following bio-terrorism attacks. The document, *Planning Guidance for Recovery Following Biological Incidents*, explicitly endorses the optimization approach ([see related story](#)).

"Optimization" is an approach which generally allows responders to adjust cleanup goals based on incident-specific criteria rather than relying on default EPA standards. Proponents of the approach argue it allows officials to respond to catastrophic situations in a manageable, cost-effective way.

But environmentalists are concerned optimization plans proposed thus far disregard known risks to human health and that use of the approach in emergency response policy could set a precedent that would lead to less-protective standards being applied to a broad range of scenarios. They also fear it would cause an erosion of EPA and other federal agencies' reliance on long-established Superfund approaches to cleaning up sites, along with the public health protection standards that go with them.

Development of the two new documents comes despite the administration's actions earlier this year to block a Bush administration guidance that backed optimization when responding to nuclear emergencies, which officials vowed to review. Marcus Peacock, deputy administrator of the Bush EPA, signed off on the general nuclear emergency guide -- commonly known as the *Protective Action Guide for Radiological Incidents* (PAG) -- during the waning hours of the Bush administration, but newly installed Obama officials halted its publication in the *Federal Register*.

The Obama EPA initially placed review of the Bush-era guide on hold while it waited for Gina McCarthy to be confirmed as assistant administrator for air and radiation. Last month, following confirmation of McCarthy and other top Obama appointees to the agency, a coalition of major environmental groups sent a letter to McCarthy and the other appointees asking to meet with the officials to discuss their concerns with the PAG guide.



In particular, the activists were concerned that the guide endorses optimization and includes drinking water protection guidelines dramatically weaker than EPA's traditional standards. In the letter, the activists said they feared staff in EPA's Office of Radiation & Indoor Air (ORIA) would not adequately brief the agency's new political leaders on the controversies surrounding the PAG.

The activists asked that the officials not make any decisions relative to the guide until after they had met with the activists and after the agency had responded to a request the group Public Employees for Environmental Responsibility had filed under the Freedom of Information Act (FOIA) seeking all internal and external comments the agency received on the document.

But the Obama EPA has yet to respond to the activists' concerns, their request for a meeting or provide any of the materials PEER sought in the FOIA request, activists say, and the fact that it is moving forward with other new guides that embrace optimization is prompting renewed fears from the activists.

It is "pretty remarkable [for the agency] to be quietly issuing draft guidance on the controversial optimization process right while EPA is struggling to deal with the concerns our environmental groups have raised about it," one activist says.

Activists say they are particularly concerned the Obama EPA appears to be moving forward with optimization despite indications that some of Obama's top appointees to the agency have concerns regarding the PAG. Mathy Stanislaus, the Obama EPA's assistant administrator for solid waste and emergency response, has expressed interest in the issue since learning of the activist's concerns, according to multiple sources familiar with the issue.

In addition, House Democrats also have preliminary concerns with the PAG, but are still studying the issue, according to a congressional source.

A spokeswoman for Stanislaus did not respond to a request for comment but another EPA spokeswoman, who was asked about the status of the PAG and the new draft EPA optimization guide, said both documents are still under internal review and that the "administration hopes to schedule a meeting" with the concerned activists.

The EPA spokeswoman says the new optimization guide is still under development and "is intended to provide guidance specific to EPA personnel regarding potential methods for how to integrate technical expert and stakeholder input" when applying the optimization process outlined in another dirty bomb response guide the Department of Homeland Security (DHS) finalized last year.

The new EPA guide "focuses solely on incorporating this input during the recovery from" a dirty bomb attack and "therefore it is not related to the emergency or intermediate phase of the [EPA] PAGs Manual, the EPA spokeswoman says.

But environmentalists fear the PAG guide will set a precedent for other cleanup scenarios. They note that the biological response guide -- which also embraces optimization -- and the Sept. 14 GAO report, which revealed the existence of the new EPA dirty bomb optimization guide, lends credence to this concern.

The GAO report, *Preliminary Observations on Preparedness to Recover from Possible Attacks Using Radiological or Nuclear Materials*, which evaluated the extent to which the federal government is prepared to cleanup after a nuclear terrorist act, found that "the federal government has not sufficiently planned to undertake these activities" though it did acknowledge it has drafted some



guidance such as the new EPA optimization guidance and the other dirty bomb guidance DHS finalized last year.

Activists complain the report did not acknowledge the controversies surrounding those guides and say the report fails to suggest that existing Superfund guidance on cleanups could be applied to post-terrorism situations. That a report prepared after the Obama administration has already been in power for several months does not acknowledge those issues is alarming, an activist says.

A GAO source involved in preparing the report says GAO officials “are aware of the controversy surrounding” the PAG but “excluded this otherwise important discussion” from the report in part because the “issue is not resolved and we do not audit draft documents.”

In addition, the GAO source points out that the report does mention “knowledge gained by EPA through its experience with Superfund sites regarding decontamination activities.” For example, the report notes that since the passage of the Superfund law in 1980, “EPA has undertaken significant efforts to study, develop, and use technologies that can address radioactive contamination.”

The GAO report also says that EPA and the Department of Energy (DOE) “have substantial experience using various cleanup methods and technologies to address radiation-contamination” but that “little is known about how these approaches might be applied” to dirty bomb incidents. Further, GAO says the “lack of guidance for identifying cost-effective cleanup methods and technologies in the event of [a dirty bomb] incident might mean that the cleanup approach taken could unnecessarily increase the cost of recovery.”

The activist complains the “passage has to do with cleanup methods and technologies -- not safe standards for how much contamination can be left behind” and “implies that the Superfund knowledge base is insufficient . . . and that approaches other than Superfund are needed in order to be ‘cost-effective.’” In addition, the activist charges that “the optimization language elsewhere in the report is without qualification--no disclosure of the controversy, nor that optimization could result in risks vastly outside permissible risk ranges.”

In past letters to EPA, activists have argued the optimization procedures suggested in the PAG would allow for public “radiation doses as enormous as . . . the equivalent of approximately 50,000 chest X-rays” and would produce, according to EPA’s own estimates, “a cancer in every fourth person.” -- *Douglas P. Guarino*

## PESTICIDES

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### **EPA sues VF's North Face over "pesticide" shoes (Reuters)**

Tue Sep 22, 2009 5:33pm EDT

SAN FRANCISCO (Reuters) - The U.S. Environmental Protection Agency filed a complaint against VF Corp, owner of the North Face brand, on Tuesday, claiming that more than 70 styles of shoes advertised as bacteria-killing by the company had not been registered with the agency.

"The company sold the products making unsubstantiated claims that the footwear would prevent disease-causing bacteria," said the EPA in a statement.

In order for a manufacturer to make such claims, the EPA first tests, and then registers the pesticide.

The brands from North Face included "Fury Gore-Tex XCR," "Hedgehog SCR" and "Off-Chute," advertised as preventing bacterial and fungal growth for their wearers.

Although North Face did incorporate registered pesticides into the shoes, the claim that they would protect users against bacteria went too far, the EPA said.

It added that "unverified public health claims" can confuse consumers and lead them to believe they are being protected from disease when they may not be.

The shoes were sold from Jan 1, 2008 through March 12, 2008 at its flagship San Francisco store as well as at various U.S. retailers.

VF disputed the EPA's assertions, but said it had immediately stopped making the claims the agency found objectionable, removing them from tags and changing product packaging.

"The EPA has not made any claims that the North Face products are unsafe or contain any unsafe substances," the company said.

The case, filed with the EPA's regional hearing clerk in San Francisco, represents 162 counts involving the sale or distribution of the products. Each violation carries a civil penalty of up to \$6500, making the total possible penalty over \$1 million. (Reporting by Alexandria Sage, editing by Leslie Gevirtz)

## SUPERFUND

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## **St. Regis Superfund site: Citizens hear update from EPA (*Bemidji Pioneer*)**

Published September 23 2009

CASS LAKE — The Environmental Protection Agency addressed about 30 people during a meeting at the Cass Lake-Bena Elementary School Tuesday night to update citizens on the St. Regis Superfund site.

The St. Regis Paper Company was a wood treatment plant that operated from 1958-1984 and contaminated the site and adjacent areas.

Tuesday's meeting was not initially planned by the EPA, which added it to the schedule after citizens attending a June meeting expressed frustration with the timeline of remedial actions. Originally, the June meeting was to be the final update before a public hearing in which the EPA will present its preferred option for cleanup of the site.

EPA Remedial Project Manager Tim Drexler's presentation was essentially the same as the one he made in June, but he noted that the first draft of a feasibility study by primary responsible parties (International Paper and BNSF Railway Co.) was received last week and is currently under review by the EPA and its agency partners, the Leech Lake Band of Ojibwe and the Minnesota Pollution Control Agency.

The review will take about 30 days, Drexler said, after which the primary responsible parties will have 45 days to return a final plan.

Drexler also addressed Enbridge's Alberta Clipper pipeline project, for which excavation is being done near the St. Regis site. The EPA reviewed Enbridge's Environmental Impact Statement, along with the Leech Lake Band.

"We had a number of comments," Drexler said. "There were a number of things they had to do."

For example, Enbridge had to do borings to extract soil and groundwater samples to determine if there were contaminants where digging would take place.

“Where they’re digging ... is clean soil, Drexler said. “It’s not contaminated soil.”

Enbridge also was required to erect two barriers to stop the flow of groundwater, and to install two monitoring wells.

Another recent development is that next week a study will focus on Leech Lake Band hatchery wells that are located near the St. Regis site.

#### Remedial actions

One remedial action Drexel presented as a possibility for affected residential areas would be to excavate soil and revegetate. In another possibility, the properties would be purchased from the residents; the houses would be demolished and the properties covered with clean soil.

In the former operations area, contaminated areas could be capped or covered with soil and revegetated, or soil could be excavated and replaced with clean soil. Contaminated soil could be hauled for offsite disposal or be placed in a new on-site waste cell.

Permanent cleanup is estimated to begin in a year and a half to two years. EPA’s proposed cleanup plan will be presented at a public hearing, likely in January, followed by a 30-day comment period. A Record of Decision will be completed in about July 2010 and negotiations will begin in about January 2011 with International Paper and BNSF Railway Co., as well the Leech Lake Band and the MPCA, with a consent decree expected in about September 2011. After a design period, remedial actions will start in about March 2012.

Financial responsibility for remedial actions lies with the primary responsible parties, Drexler said.

“Superfund is all about polluter pays,” he said. “Any remedy that comes out of this, the PRPs will pay for. We will be negotiating with them.”

#### Background

St. Regis was listed on the National Priorities List in 1984, making it eligible for cleanup under the EPA’s Superfund program. The site was initially cleaned up by its former owner, Champion International. IP is the current property owner.



Excessive levels of dioxin and other harmful chemicals prompted a human health and ecological risk assessment. Several tons of contaminated soil were removed, wells and extraction systems were installed to clean contaminated groundwater, and interim measures such as periodic housecleaning, topsoil removal and dust suppression on unpaved roads were taken to protect affected residents.

The St. Regis Superfund site has four sections:

- The northwest portion of the former operations area.
- The southwest operations area and location of an on-site vault.
- The former Cass Lake dump that accepted site waste.
- The residential area surrounding the site.

On the Net:

[www.epa.gov/region5/sites/stregis](http://www.epa.gov/region5/sites/stregis)

[lswenson@bemidjipioneer.com](mailto:lswenson@bemidjipioneer.com)

## TOXICS

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### **EPA Eyes Chemical Bans In Bid To Strengthen TSCA Program (*Inside EPA*)**

TUESDAY, SEPTEMBER 22, 2009

WHITEFISH, MT -- EPA toxics chief Steve Owens says the agency is considering banning chemicals and other toxic substances as part of a broad agenda to ramp up enforcement of its

existing authority under the Toxic Substances Control Act (TSCA), even as the administration works with Congress to strengthen the underlying law.

The agency has not sought to ban substances under its existing TSCA authority since a federal appellate court in 1991 overruled EPA's last such attempt -- to curtail asbestos -- setting a high legal bar for future efforts.

Owens told state environmental commissioners meeting here for the annual meeting of the Environmental Council of the States (ECOS) that EPA Administrator Lisa Jackson -- who has made chemical safety one of her signature issues -- is scheduled to detail her vision for how the administration will address chemical regulation in a speech in San Francisco Sept. 29.

Owens said officials are already in the process of developing a "list of chemicals that will be on our initial list of items that we want to address going forward." The agency is also "coming up with strategies for using the authority we do have under [TSCA] to go as far as we think we can toward not only getting information and making information public but also taking steps to restrict and in some cases even banning substances that may be presenting unreasonable risk of harm to people in this country."

Owens' statement is the first time an agency official has talked publicly about plans to ramp up enforcement of its existing TSCA authority. Agency sources have said in the past that officials are considering writing as many as 18 rules under Section 6 of TSCA in the next 18 months, while also expanding its use of significant new use rules --which can temporarily halt or limit production of a chemical -- to existing chemicals, which until now have been limited to new chemicals ([see related story](#)).

Section 6 requires EPA to prove that a chemical presents an "unreasonable risk" to human health or the environment. EPA has not issued a section 6 rule since it attempted a near-ban on the use of asbestos, which the U.S. Court of Appeals for the 5th Circuit vacated in 1991. In its ruling in *Corrosion Proof Fittings v. EPA*, the court backed an industry challenge to the agency's section 6(a) rule that sought to restrict asbestos, with the court vacating the rule because EPA had failed to present "substantial evidence" to justify its action. Since then, EPA's general counsel has discouraged the toxics office from issuing section 6 rules, a former official says.

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## WATER

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## **Construction begins on Malibu's 'environmental cleaning machine' (*Los Angeles Times*)**

September 21, 2009 | 2:55 pm

Veteran surfers joined forces with the Malibu City Council today to launch construction of Legacy Park, the centerpiece of the city's \$50-million-plus plan to clean up polluted water in Malibu Creek, Malibu Lagoon and famed Surfrider Beach.

"Legacy Park is going to act as Malibu's environmental cleaning machine," said Mayor Andy Stern. "It will reduce pollution from stormwater, improve the city's water quality, and allow residents to enjoy the health and recreation benefits of an open space area and a clean ocean."

The event drew pioneering surfers Cal Porter and Richard Davis as well as Los Angeles County Supervisor Zev Yaroslavsky, state Sen. Fran Pavley (D-Agoura Hills), Assemblywoman Julia Brownley (D-Santa Monica) and Malibu-ite Victoria Principal.

With completion planned by October 2010, Legacy Park will transform 15 acres in the Malibu Civic Center area into a park that will double as a stormwater treatment facility.

Officials say it will capture more than 2 million gallons a day of stormwater and urban runoff so that it can be cleaned, disinfected and recycled.

In January, the city authorized \$2.6 million for design and engineering of a wastewater treatment system for the Civic Center area. Environmental groups, including Heal the Bay, have criticized Malibu's approach, saying Legacy Park should have been engineered to handle both stormwater and wastewater treatment.

--Martha Groves

## **Agency Launches Water Contaminants Study Over Utilities' Objections (*Inside EPA*)**

TUESDAY, SEPTEMBER 22, 2009

EPA is launching a survey of drinking water utilities designed to determine the presence of emerging contaminants in source water and treated drinking water, despite concerns raised by utilities that the study wrongly focuses on the presence of contaminants, rather than their toxicological effects, and could expose water utilities to unfair scrutiny by the public and the media.

EPA's Office of Research & Development is conducting the survey with the U.S. Geological Survey (USGS) to sample 50 drinking water treatment plants on population, characteristics of the source water, type of treatment performed by the plants, and water quality parameters during the time of sampling. The agencies plan to analyze samples for 200 emerging chemical and microbial contaminants.

According to a Sept. 18 *Federal Register* notice, EPA has forwarded to the White House Office of Management & Budget (OMB) a new information collection request (ICR) that -- once approved under the Paperwork Reduction Act -- that will allow the agency to survey utilities.

But the data collection request ignores concerns raised by drinking water utilities the American Water Works Association (AWWA) and the Association of Metropolitan Water Agencies (AMWA) about the need for, and design of, the study.

AMWA is particularly concerned that responses to the questionnaire, paired with water samples, could be used to interpret data in a way that "could be used to draw conclusions about treatability as opposed to occurrence."

The group in its comments raises further concerns that data supplied for this survey could be obtained through the Freedom of Information Act (FOIA) and would easily be misinterpreted and "difficult for the utilities to explain to the media and the public."

AWWA in comments sent to EPA this summer made a plea for a better study design, saying the agency should "not proceed until such a time as an experimental design that offers a strong contribution to EPA's information needs can be clearly articulated and supported. In our view, such a study must have clearly articulated hypotheses, which will be tested, demonstrate adequate statistical power to support its conclusions, and data collection using methods of known precisions and accuracy," the comments say.

Additional data on the occurrence of emerging contaminants is not so useful as "whether there is any human toxicological relevance at observed environmental concentrations," the comments say.

But in a document accompanying the ICR, EPA concedes that the project will be subject to FOIA, despite efforts by the agency to preserve the anonymity of treatment plants to the best of its ability. Treatment plants will be given the opportunity to comment on the final manuscript, EPA says, but "once the data is published we cannot control how the data is used or misused by others."

EPA argues, though, in the supporting document, that "the study will be intentionally skewed towards facilities whose sources are known to be impacted by upstream discharges of human waste, thereby increasing the potential for detection in the source water." Agency staff are also assessing "background information such as livestock production and land use," the document says.

And the agency notes that "[m]ethods used for drinking water regulatory purposes meet a stricter requirement for ruggedness than methods typically published in the literature." The study's methods will not meet those stringent requirements, though they could "potentially be used as starting point for the drinking water regulatory method development process."

EPA also says that the agency's Office of Water "evaluates and identifies which chemicals should be considered for regulation in drinking water in the United States" as part of its Candidate Contaminant List (CCL), and the results of this study will be one part of the agency's "comprehensive evaluation of chemical occurrence data." The agency says that it "will use these and other data to evaluate and consider potential candidate contaminants for inclusion on the CCL."



The agency is evaluating 200 chemical and microbial contaminants as part of the study, 125 of which are pharmaceutical related chemicals, the supporting document says. Meanwhile, the agency is compiling a literature review on pharmaceutical related chemicals in wastewater, surface water, and groundwater, the support document says. The literature review and the sampling study overlap on 56 pharmaceutical based compounds.

The agency also notes that if passed, H.R. 1262, introduced by Transportation & Infrastructure Chair James Oberstar (D-MN) in March, "provides a very narrow window of time to produce a report on the occurrence of pharmaceuticals in the nation's waters."

While commenters argued that the agency should be focused on the effects of pharmaceuticals in drinking water, rather than their occurrence, the agency disagrees "with the comments that there is sufficient information in the scientific literature concerning the occurrence of emerging contaminants, particularly pharmaceuticals, in the finished drinking water of the United States."

There has been some research, EPA says, but "much is yet to be understood in terms of fully documenting the full range of chemicals present in source and finished drinking water, the composition of complex mixtures of contaminants potentially present, determining the effects of drinking water treatment, and understanding important factors contributing to such contamination."

Meanwhile, EPA is also seeking comment for its upcoming six-year evaluation of the risks to human health posed by drinking water contaminants. According to a Sept. 11 notice, the agency is planning to ask states to continue to provide contaminant occurrence data and treatment technique data collected from 2006 to 2012 for all regulated chemical, radiological and microbial contaminants, but the agency is expanding the scope of the current ICR so that states also provide data on several additional rules issued since the last ICR, such as the surface water treatment rule, the disinfectants byproduct rules and the ground water rule.

## **Drilling gas gel spilled in Pa. (*Greenwire*)**

*09/22/2009*

Roughly 8,000 gallons of a gel used in drilling natural-gas wells spilled last week at a well drilled in a Pennsylvania township for Cabot Oil & Gas.

The pollution from the potential carcinogen has seeped into a nearby creek, fish have been killed and others are "swimming erratically," according to the state Department of Environmental Protection.

This is not the first time that Cabot's drilling has led to environmental problems in the Dimock area. Last winter, several area homes reported that their drinking water contained metals and methane gas, which state officials discovered had leaked underground from Cabot wells. In the

spring, the company was fined for several other spills (Abraham Lustgarten, *ProPublica*, Sept. 21). -- JK

## Officials puzzled by large fish kill (*Greenwire*)

*09/22/2009*

Environmental officials remain confounded about what caused a massive fish kill in Dunkard Creek along the border between West Virginia and Pennsylvania.

The 161 species of fish, mussels, salamanders, crayfish and aquatic insects found in the 38-mile creek have been killed by unknown pollutants.

"We've just been decimated down here. Everything is being killed almost from the headwaters of the creek to where it flows into the Monongahela River," said Betty Wiley, president of the Dunkard Creek Watershed Association. "It's such a tragedy for the creek. An ecosystem has been destroyed."

Much of the investigation has focused on discharges from a mine water treatment facility at Consol Energy's Blacksville No. 2 mine in West Virginia.

But state and federal investigators remain unsure because chemical analysis found the creek water at Consul contains extremely high total dissolved solids (TDS), and chlorides, which are found in wastewater from Marcellus Shale gas well drilling operations but not mine water (Don Hopey, *Pittsburgh Post-Gazette*, Sept. 20). -- JK

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